

Introduced by Senator Oropeza

February 21, 2007

An act to amend Sections 102, 104, 9022, 9209, and 9307 of the Elections Code, relating to initiatives.

LEGISLATIVE COUNSEL'S DIGEST

SB 408, as introduced, Oropeza. Measures: circulators.

Existing law requires that persons who circulate state, county, municipal, or district initiative and referendum petitions be registered voters or be qualified to register to vote within the jurisdiction of the governmental entity to which the initiative or referendum petition would apply.

Existing law also requires that each section of an initiative or referendum petition have attached to it a specified declaration or affidavit signed by the circulator of the petition.

This bill would instead require that these persons be registered voters or persons who were qualified to register to vote at the time of the most recent established election date.

The bill would also require that the declaration or affidavit contain the length or period of time that the circulator has used his or her address as a residence.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 102 of the Elections Code is amended to
2 read:

1 102. A person who is a voter or who ~~is~~ *was* qualified to register
2 to vote in this state *at the time of the most recent established*
3 *election date* may circulate an initiative or referendum petition in
4 accordance with this code. A person who is a voter may circulate
5 a recall petition in accordance with this code.

6 SEC. 2. Section 104 of the Elections Code is amended to read:

7 104. (a) Wherever any petition or paper is submitted to the
8 elections official, each section of the petition or paper shall have
9 attached to it a declaration signed by the circulator of the petition
10 or paper, setting forth, in the circulator's own hand, the following:

11 (1) The printed name of the circulator.

12 (2) The residence address of the circulator, giving street and
13 number, or if no street or number exists, adequate designation of
14 residence so that the location may be readily ascertained *and the*
15 *length or period of time that the address has been used as a*
16 *residence*.

17 (3) The dates between which all the signatures to the petition
18 or paper were obtained.

19 (b) Each declaration submitted pursuant to this section shall
20 also set forth the following:

21 (1) That the circulator circulated that section and witnessed the
22 appended signatures being written.

23 (2) That according to the best information and belief of the
24 circulator, each signature is the genuine signature of the person
25 whose name it purports to be.

26 (c) The circulator shall certify to the content of the declaration
27 as to its truth and correctness, under penalty of perjury under the
28 laws of the State of California, with the signature of his or her
29 name at length, including given name, middle name or initial, or
30 initial and middle name. The circulator shall state the date and the
31 place of execution on the declaration immediately preceding his
32 or her signature.

33 SEC. 3. Section 9022 of the Elections Code is amended to read:

34 9022. (a) Each section shall have attached thereto the
35 declaration of the person soliciting the signatures setting forth the
36 information required by Section 104 and stating that the circulator
37 is a voter or ~~is~~ *was* qualified to register to vote in the state *at the*
38 *time of the most recent established election date*.

39 (b) The circulator shall certify to the content of the declaration
40 as to its truth and correctness, under penalty of perjury under the

1 laws of the State of California, with the signature of his or her
2 name at length, including given name and middle name or initial.
3 The circulator shall state the date and the place of execution on
4 the declaration immediately preceding his or her signature.

5 Another declaration thereto may not be required.

6 Petitions so verified shall be prima facie evidence that the
7 signatures thereon are genuine and that the persons signing are
8 qualified voters. Unless and until otherwise proven upon official
9 investigation, it shall be presumed that the petition presented
10 contains the signatures of the requisite number of qualified voters.

11 SEC. 4. Section 9209 of the Elections Code is amended to read:

12 9209. Each section shall have attached thereto the declaration
13 of the person soliciting the signatures. This declaration shall be
14 substantially in the same form as set forth in Section 9022, except
15 that the declaration shall declare that the circulator is a voter or ~~is~~
16 *was* qualified to register as a voter of the city *at the time of the*
17 *most recent established election date*, and shall state his or her
18 residence address at the time of the execution of the declaration.

19 SEC. 5. Section 9307 of the Elections Code is amended to read:

20 9307. Each section of the petition shall have attached thereto
21 the affidavit of the person soliciting the signatures. This affidavit
22 shall be substantially in the same form as set forth in Section 9022,
23 except that the affidavit shall declare that the circulator is a voter
24 or ~~is~~ *was* qualified to register to vote in the district *at the time of*
25 *the most recent established election date*.